United Nations E/CN.6/2008/NGO/25

Economic and Social Council

Distr.: General
18 December 2007

Original: English

Commission on the Status of Women
Fifty-second session
25 February-7 March 2008
Item 3 (a) (i) of the provisional agenda*
Follow-up to the Fourth World Conference on Women and to the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in critical areas of concern and further actions and initiatives: financing for gender equality and the empowerment of women

Statement submitted by Coalition Against Trafficking in Women, a non-governmental organization in consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* E/CN.6/2008/1.

07-65240 (E) 160108

Statement

Gender equality continues to be a largely unrealized goal worldwide despite the existence of various international legal instruments, such as the Convention on the Elimination of All Forms of Discrimination against Women, and international agreements such as the Beijing Platform for Action. Financing for gender equality in legal and policy measures requires more than a commitment of equitable and necessary financial resources by governments, inter-governmental agencies and civil society. It necessitates changes in laws and policies, including financial and macroeconomic measures, which actively fuel gender inequality and women's disempowerment. One of the most profound examples of law or policy which severely impedes the attainment of gender equality is the tolerance, regulation, decriminalization and/or legalization of the sex industry, including the promotion of sex tourism. Commercial sexual exploitation is based in and reinforces "the historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women." [1]

Male violence against women and girls is a significant barrier to achieving gender equality and empowerment. Among the most severe and escalating practices of gender-based violence is commercial sexual exploitation, including sex trafficking, prostitution, the Internet bride industry, pornography, and sex tourism. For example, traffickers, pimps and buyers exploit women and girls seeking to improve their lives through employment, migration or other opportunities. They treat them as commodities to be bought and sold and repeatedly violated by the countless buyers they must "service" through prostitution.

The proliferation of sex trafficking and commercial sexual exploitation hinders women's advancement in the fields of education, health and work. Victims of sex trafficking and prostitution often suffer severe health consequences ranging from physical injuries inflicted by buyers, pimps and traffickers; psychological devastation, including trauma, depression, and suicide; HIV/AIDS and other sexually transmitted diseases; and alcohol and drug abuse induced by pimps or women's attempts to avoid feeling violated. Women and girls suffering from these severe, long-term health problems are hindered in attaining equality and advancing their human rights.

Increasingly, many governments prioritize, through devastating economic policies, revenue and profit at the expense of human rights and gender equality. Rather than recognizing women's skills and contributions to society, governments have adopted policies effectively normalizing and, in some places, even legalizing the sex industry, with the explicit encouragement of inter-governmental organizations, such as the International Labor Organization (ILO), World Bank, and UNAIDS, leading to sexual violence and exploitation. For instance, in 1998, the ILO called for the economic recognition of the sex industry and its contribution to a country's gross domestic product.[2] Such recognition, in effect, could not occur without the legal acceptance of the sex industry. Similarly, UNAIDS has called

[1] UN Declaration on the Elimination of Violence Against Women, A/RES/48/104, 23 Feb. 1994.
[2] Lin Lean Lim, *The Sex Sector: the Economic and Social Bases of Prostitution in Southeast Asia*, ILO 1998.

for the decriminalization and regulation of all aspects of prostitution and related "sexual services," under the misguided guise of HIV/AIDS prevention.[3]

While these international agencies and some governments recognize that trafficking victims should be removed from the sex industry, they fail to acknowledge the enormous extent to which women and girls in the sex industry have been trafficked. The UN Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children has concluded that:

> For the most part, prostitution as actually practised in the world usually does satisfy the elements of trafficking. It is rare that one finds a case in which the path to prostitution and/or a person's experiences within prostitution do not involve, at the very least, an abuse of power and/or an abuse of vulnerability. Power and vulnerability in this context must be understood to include power disparities based on gender, race, ethnicity and poverty. Put simply, the road to prostitution and the life within "the life" is rarely one marked by empowerment or adequate options.[4]

Although UNAIDS indicates that worldwide "many [persons in formal brothel-based or pimp-controlled prostitution] become involved while still children or young adolescents" as well as a good portion of persons who are prostituted on the streets or are involved in prostitution more sporadically,[5] they fail to appropriately categorize this high number of persons as trafficking victims, as defined by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The significant extent to which exploitation, particularly of children, occurs within the sex industry undermines the argument that prostitution should be labeled "sex work," and recognized as any other job. Additionally, it is a mistake to assume that those who were trafficked and sexually exploited as children are no longer trafficking victims but "voluntary workers" when they reach the age of 18 or that prostitution no longer poses the same harms to their well-being.

Further, several international agencies recognize that being used in prostitution exposes women and girls to a serious risk of exposure to HIV/AIDS and to extensive violence by buyers and pimps, such as when they try to negotiate safer sex practices.[6] However, these agencies fail to see these continuous and even lethal harms as severe enough to call for legal and other measures to discourage the demand, so as to eradicate the sex industry. Given the harms of prostitution, it is unacceptable that a sub-class of women and girls, who are often impoverished and marginalized in society, be deemed appropriate subjects to assume such risks.

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[3] UNAIDS, *Handbook for Legislators on HIV/AIDS, Law and Human Rights*, 1999 at 56. The World Bank endorses the conclusions of this UNAIDS *Handbook* in *Legal Aspects of HIV/AIDS: A Guide for Policy and Law Reform*, 2007. *See also* UNAIDS, *Sex Work and HIV/AIDS*, 2002.

[4] E/CN.4/2006/62, UN 2006.

[5] UNAIDS, *Sex Work and HIV/AIDS*, 2002 at 4. Similarly, the World Bank indicates that "Many adults entered [the sex industry] as children." World Bank, *supra* n. 2, at 103. Also, the ILO finds that "experiences of forced sex in childhood...increase the likelihood of...participating in [prostitution]." ILO, *HIV/AIDS and Work in a Globalizing World*, 2005, at 38.

[6] *See, e.g., Id.* at p. 5; ILO, *supra* n. 4 at 38, 47-49.

Legalization of prostitution gives men moral and social permission to practice prostitution, and hence, to demand more women and girls for commercial sexual exploitation ultimately leading to an increase in sex trafficking. Moreover, the sex industry creates a culture of male bonding through the collective abuse of women. Thus legitimizing prostitution as work commences a vicious cycle in which the sex industry expands, and increases the demand for sex trafficking victims. Prostitution not only harms prostituted women; it harms all women. It reinforces the degrading stereotype that women, by their inherent nature, are commodities or objects to be bought and sold, rather than persons with full human rights and dignity.

In order to promote gender equality, the UN, governments and civil society must take action to eradicate sexual violence and exploitation of women and girls. We urge the following actions:

1. Make specific and local recommendations not only about ending particular forms of male violence but on transforming systemic social and economic structures such as patriarchy and harmful economic systems that unremittingly disadvantage women.

2. Eliminate, through laws and policies, those economic, social, legal and political structures that make women vulnerable to traffickers, pimps and buyers such as poverty, systematic male violence against women, discriminating economic policies and structural adjustment programs, gender discrimination, and other forms of oppression such as racism.

3. Eliminate laws that structurally support women's subordination (e.g., dowry, unequal marriage, inheritance and property laws).

4. Decriminalize women and girls in prostitution, while promoting laws penalizing buyers, pimps, brothel owners, and other traffickers who contribute to the demand that fuels the global market for sexual exploitation.

5. Educate law enforcement and criminal justice officials to investigate and prosecute crimes perpetrated by traffickers, pimps, and buyers against victims of prostitution and trafficking.

6. Adequately fund and support services for survivors of international and domestic trafficking and prostitution, including exit programs with financial assistance, education and job training, employment opportunities, housing, health services, legal advocacy, residency permits, and language training.

7. Implement coherent national policies that explicitly denounce prostitution as a violation of women's human rights and as violence against women, and reject its legalization.

8. Reject the use of the misleading term "sex work," which minimizes the abuses and exploitation of prostitution and attempts to redefine it as an ordinary job, particularly for impoverished and marginalized women.

Governments must not use short-term economic measures, such as permitting and encouraging the proliferation of the sex industry, to address development and the feminization of poverty. Legitimization and normalization of the sex industry has a profoundly negative long-term impact on the human rights and dignity of all women and girls. Adopting such short-sighted policies prevents societies from achieving the goal of gender equality and the empowerment of women.

Note:
Statement supported and endorsed by the following non-governmental organizations in consultative status with the Economic and Social Council: Armenian International Women's Association; Congregation of Our Lady of Charity of the Good Shepherd; Dominican Leadership Conference; Federation of American Women's Clubs Overseas; Grail; Gray Panthers; International Association of Schools of Social Work; International Council of Jewish Women; International Federation on Ageing; International Federation of Women Lawyers; International Federation of Women in Legal Careers; UNANIMA International; United States Committee for UNIFEM; Vivat International; World Federation of Ukrainian Women's Organizations; World Movement of Mothers and World ORT Union.